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NOTICE OF ALLOWANCE AND FEE(S) DUE

32137

7590

09/17/2008

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COWAN, LIEBOWITZ & LATMAN, P.C.
1133 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

EXAMINER

WANG, LIANG CHE A

ART UNIT

PAPER NUMBER

2153

DATE MAILED: 09/17/2008

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/811,174 | 03/26/2004 | Ronald S. Kolessar | 25896.338/P0099A | 2017 |

TITLE OF INVENTION: SYSTEMS AND METHODS FOR GATHERING DATA CONCERNING USAGE OF MEDIA DATA

| APPLN. TYPE | SMALL ENTITY | ISSUE FEE DUE | PUBLICATION FEE DUE | PREV. PAID ISSUE FEE | TOTAL FEE(S) DUE | DATE DUE |
|----------------|--------------|---------------|---------------------|----------------------|------------------|------------|
| nonprovisional | NO | \$1440 | \$300 | \$0 | \$1740 | 12/17/2008 |

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE** OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

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If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

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B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
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| (Depositor's name) |
| (Signature) |
| (Date) |

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/811,174 | 03/26/2004 | Ronald S. Koleassar | 25896.338/PO099A | 2017 |

TITLE OF INVENTION: SYSTEMS AND METHODS FOR GATHERING DATA CONCERNING USAGE OF MEDIA DATA

| APPLN. TYPE | SMALL ENTITY | ISSUE FEE DUE | PUBLICATION FEE DUE | PREV. PAID ISSUE FEE | TOTAL FEE(S) DUE | DATE DUE |
|----------------|--------------|---------------|---------------------|----------------------|------------------|------------|
| nonprovisional | NO | \$1440 | \$300 | \$0 | \$1740 | 12/17/2008 |

| EXAMINER | ART UNIT | CLASS-SUBCLASS |
|-------------------|----------|----------------|
| WANG, LIANG CHE A | 2153 | 709-224000 |

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2
 3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
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4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

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NEW YORK, NY 10036

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1049 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1049 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability

Application No.

10/811,174

Examiner

Liangche A. Wang

Applicant(s)

KOLESSAR ET AL.

Art Unit

2153

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 6/9/08.
2. ☒ The allowed claim(s) is/are 14-46,48-110 and 131-145 (renumbered as 1-111).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 5/27/08
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Liangche A. Wang/
Primary Examiner, Art Unit 2153

EXAMINER'S AMENDMENT

1. Claims 14-46, 48-110, 131-145 are allowed.
2. Claims 1-13, 47, 111-130 are cancelled.
3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
4. Authorization for this examiner's amendment was given in a telephone interview with Peter Zura on 9/10/2008.
5. The application has been amended as follow:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Claims 1-13. (canceled).

Claim 14. (original): A method for gathering data concerning usage of media data provided from a predetermined receiver to a user, comprising:

gathering first data concerning usage of the media data by the predetermined receiver by means of a stationary monitoring system, wherein gathering the first data comprises receiving a first ancillary code encoded in the media data;

gathering second data concerning usage of the media data provided from the predetermined receiver by means of a portable monitor carried on the person of the user, wherein gathering the second data comprises receiving a second ancillary code encoded in the media data;

gathering first time data corresponding to at least one of (1) a time of reception of the media data in the predetermined receiver and (2) a time of recording of the media data in the predetermined receiver;

Deleted: and

gathering second time data corresponding to a time of reproduction of the media data in the predetermined receiver;

comparing the first time data with the second time data to determine that one of (1) the time of reception and (2) the time of recording, occurred prior to the time of reproduction; and

producing audience measurement data concerning usage of the media data provided from the predetermined receiver from the first data and the second data.

Deleted:

Claim 15. (original): The method of claim 14, wherein the predetermined receiver comprises the stationary monitoring system.

Claim 16. (original): The method of claim 15, wherein the stationary monitoring system comprises software running on a processor of the predetermined receiver.

Claim 17. (original): The method of claim 14, wherein the predetermined receiver comprises at least one of a media data recording device, a media data playback device, a user-operated recording device, a user-operated playback device, a television, television broadcast reception equipment, a radio, radio broadcast reception equipment, a video cassette player, a digital video disk player, a digital video recorder, a gaming device, a personal video player, an audio cassette player, a compact disk player, a personal audio player, an electronic book, and a personal computer.

Claim 18. (original): The method of claim 14, wherein the media data comprises at least one of television data, radio data, video cassette data, digital video disk data, digital video recorder data, personal video player data, audio cassette data, compact disk data, personal audio player data, audio data, video data, digital audio data, digital video data, gaming data, streaming media, Internet-supplied data, and personal computer data.

Claim 19. (original): The method of claim 14, wherein the media data comprises data received by the predetermined receiver from a recording medium.

Claim 20. (original): The method of claim 14, wherein the media data comprises data recorded by the predetermined receiver after reception thereof by the predetermined receiver.

Claim 21. (original): The method of claim 14, wherein producing audience measurement data comprises producing data reflecting both exposure of the user to media data reproduced upon reception thereof by the predetermined receiver and exposure of the user to media data recorded by the predetermined receiver prior to exposure of the user thereto.

Claim 22. (original): The method of claim 14, wherein producing audience measurement data comprises producing data reflecting a proportion of media data recorded by the predetermined receiver to which the user was exposed.

Claim 23. (original): The method of claim 14, wherein gathering the second data comprises gathering data corresponding to at least a portion of the first data.

Claim 24. (original): The method of claim 23, wherein producing the audience measurement data comprises comparing the first data to the second data.

Claim 25. (original): The method of claim 14, wherein gathering the first data comprises gathering first media data reception data comprising an indication of at least one of a station, a channel, and a program received by the predetermined receiver, wherein gathering the second data comprises gathering second media data reception data comprising an indication of at least one of a station, a channel, and a program to which the user was exposed, and wherein producing the audience measurement data comprises comparing the first media data reception data to the second media data reception data.

Claim 26. (original): The method of claim 14, further comprising gathering time of detection data corresponding to a time at which the first data was gathered.

Claim 27. (original): The method of claim 26, further comprising determining an operational status of the predetermined receiver, based on the time of detection data.

Claim 28. (original): The method of claim 27, further comprising using the stationary monitoring system to determine the operational status of the predetermined receiver, and wherein the first data comprises data corresponding to the operational status of the predetermined receiver.

Claim 29. (original): The method of claim 27, further comprising communicating at least one of the first data and the time of detection data to a processor, and using the processor to determine the operational status of the predetermined receiver.

Claim 30. (original): The method of claim 25, wherein gathering the first data comprises gathering a time code from the media data, further comprising comparing the time code with the time of detection data to produce data indicating whether the media data received by the predetermined receiver had been recorded prior to the time at which the first data was gathered.

Claim 31. (original): The method of claim 14, further comprising gathering time of detection data corresponding to a time at which the second data was gathered.

Claim 32. (original): The method of claim 31, further comprising determining an operational status of the predetermined receiver, based on the time of detection data.

Claim 33. (original): The method of claim 31, wherein gathering the first data comprises gathering a time code from the media data, further comprising comparing the time code with the time of detection data to produce data indicating whether the reproduced media data had been recorded prior to receipt thereof by the portable monitor.

Claim 34. (currently amended): The method of claim 14, wherein the predetermined receiver comprises a media data recording device,

Claim 35. (original): The method of claim 14, wherein gathering the first data comprises gathering a time code from the media data.

Claim 36. (original): The method of claim 35, further comprising determining an operational status of the predetermined receiver, based on the time code.

Claim 37. (original): The method of claim 36, further comprising using the stationary monitoring system to determine the operational status of the predetermined receiver, and wherein the first data comprises data corresponding to the operational status of the predetermined receiver.

Claim 38. (original): The method of claim 36, further comprising using the portable monitor to determine the operational status of the predetermined receiver, and wherein the second data comprises data corresponding to the operational status of the predetermined receiver.

Claim 39. (original): The method of claim 36, further comprising communicating at least one of the first data and the second data to a processor, and using the processor to determine the operational status of the predetermined receiver.

Claim 40. (original): The method of claim 14, wherein the first data is resolved within a first time interval, wherein the second data is resolved within a second time interval, and wherein the first time interval is shorter than the second time interval.

Claim 41. (original): The method of claim 40, wherein the first data and the second data comprise an indication of at least one of a station, a channel, a commercial, a segment and a program to which the user is exposed.

Deleted: further comprising: gathering at first time data corresponding to at least one of a time of reception of the media data by the predetermined receiver and a time of recording thereof by the media data recording device; gathering second time data corresponding to a time of reproduction of the media data recorded by the media data recording device; and comparing the first time data and the second time data to produce data indicating that the media data recording device recorded the media data prior to reproduction of the media data

Claim 42. (currently amended): The method of claim 40, wherein gathering the second data comprises detecting the second ancillary code in audio media data received as acoustic energy by the portable monitor.

Deleted: an

Claim 43. (currently amended): The method of claim 41, wherein gathering the first data comprises detecting the first ancillary code in audio media received by the predetermined receiver by means of the stationary monitoring system.

Deleted: an

Claim 44. (original): The method of claim 40, further comprising comparing the first data and the second data to detect correspondence there between and based on a detected correspondence thereof, producing third data representing the usage of media data as reflected by the second data and resolved within a third time interval shorter than the second time interval.

Claim 45. (original): The method of claim 14, further comprising gathering user identification data associated with the user, wherein the user identification data uniquely identifies the user.

Claim 46. (original): The method of claim 45, further comprising associating the audience measurement data with the user identification data, thereby producing user-specific audience measurement data.

Claim 47. (canceled).

Claim 48. (original): The method of claim 14, wherein gathering the first data further comprises: receiving an audio portion of the media data in the stationary monitoring system; and detecting the first ancillary code in the audio portion.

Deleted: 47

Claim 49. (original): The method of claim 48, wherein receiving the audio portion of the media data in the stationary monitoring system comprises receiving the audio portion

through an audio input device coupling the stationary monitoring system to the predetermined receiver.

Claim 50. (original): The method of claim 14, wherein gathering the second data further comprises: receiving an audio portion of the media data in the portable monitor, and detecting the second ancillary code in the audio portion.

Deleted: 47

Claim 51. (original): The method of claim 50, wherein receiving the audio portion of the media data in the portable monitor comprises receiving the audio portion by means of a microphone or other transducer.

Claim 52. (original): The method of claim 14, wherein the first and second ancillary codes comprise the same code.

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Claim 53. (original): The method of claim 14, wherein the first and second ancillary codes comprise different codes.

Deleted: 47

Claim 54. (original): The method of claim 53, wherein gathering the first ancillary code comprises gathering the first ancillary code from one of a video portion of the media data and a data packet of digital media data, and wherein gathering the second ancillary code comprises gathering the second ancillary code from audio media data.

Claim 55. (original): The method of claim 14, wherein gathering the first data comprises receiving a data packet broadcast within a digital broadcast channel, wherein the data packet comprises an indication of at least one of a station, a channel, and a program received by the predetermined receiver.

Claim 56. (original): The method of claim 14, wherein gathering the second data comprises detecting an ancillary code encoded in an audio portion of the media data received in the portable monitor through a microphone or other transducer.

Claim 57. (original): The method of claim 14, further comprising: communicating the first data and the second data to a processor; and producing data by means of the processor indicating that an audio portion of the media data received by the predetermined receiver has not been reproduced, based on the first data and the second data.

Claim 58. (original): The method of claim 57, wherein the processor produces the data based on the absence in the second data of an indication of at least one of a station, a channel, and a program to which the user was exposed.

Claim 59. (original): The method of claim 56, further comprising: communicating the first data and the second data to a processor; and producing data by means of the processor indicating that the user left a vicinity of the predetermined receiver, based on the first data and the second data.

Claim 60. (original): The method of claim 59, wherein the second data comprises detection error data produced by the portable monitor.

Claim 61. (original): The method of claim 14, further comprising:
communicating the first data from the stationary monitoring system to a processor;
communicating the second data from the portable monitor to the processor; and
using the processor to produce the audience measurement data concerning usage of the media data received by the predetermined receiver and reproduced for the user, based on the first data and the second data.

Claim 62. (original): The method of claim 14, further comprising communicating the audience measurement data to a remote location.

Claim 63. (original): The method of claim 14, further comprising communicating the first data and the second data to a remote location, and wherein producing audience measurement data comprises producing the audience measurement data at the remote location.

Claim 64. (currently amended): A system for gathering data concerning usage of media data provided from a predetermined receiver to a user, comprising:

a stationary monitoring system coupled with the predetermined receiver for gathering first data concerning usage of the media data by the predetermined receiver, wherein the media data comprises a first ancillary code and a second ancillary code encoded in the media data;

a portable monitor carried on the person of the user having an input to receive the media data provided from the predetermined receiver, for gathering second data concerning usage of the media data provided from the predetermined receiver; and

a processor having at least one input to receive the first data from the stationary monitoring system and the second data from the portable monitor, for producing audience measurement data concerning usage of the media data provided from the predetermined receiver from the first data and the second data,

wherein the stationary monitoring system is operative to gather first time data corresponding to at least one of (1) a time of reception of the media data by the predetermined receiver and (2) a time of recording in the predetermined receiver, wherein the portable monitor is operative to gather second time data corresponding to a time of reproduction of the media data recorded by the predetermined receiver, and wherein the processor is operative to compare the first time data and the second time data to produce data indicating that the media data was recorded at a time prior to reproduction of the media data..

Claim 65. (original): The system of claim 64, wherein the predetermined receiver comprises the stationary monitoring system.

Claim 66. (original): The system of claim 65, wherein the stationary monitoring system comprises software running on a processor of the predetermined receiver.

Claim 67. (original): The system of claim 64, wherein the predetermined receiver comprises at least one of a media data recording device, a media data playback device, a user-operated recording device, a user-operated playback device, a television, television broadcast reception equipment, a radio, radio broadcast reception equipment, a video cassette player, a digital video disk player, a digital video recorder, a gaming device, a personal video player, an audio cassette player, a compact disk player, a personal audio player, an electronic book, and a personal computer.

Claim 68. (original): The system of claim 64, wherein the media data comprises at least one of television data, radio data, video cassette data, digital video disk data, digital video recorder data, personal video player data, audio cassette data, compact disk data, personal audio player data, audio data, video data, digital audio data, digital video data, gaming data, streaming media, Internet-supplied data, and personal computer data.

Claim 69. (original): The system of claim 64, wherein the media data comprises data received by the predetermined receiver from a recording medium.

Claim 70. (original): The method of claim 64, wherein the media data comprises data recorded by the predetermined receiver after reception thereof by the predetermined receiver.

Claim 71. (original): The system of claim 64, wherein the audience measurement data comprises data reflecting both exposure of the user to media data reproduced upon reception thereof by the predetermined receiver and exposure of the user to media data recorded by the predetermined receiver prior to exposure of the user thereto.

Claim 72. (original): The system of claim 64, wherein the audience measurement data comprises data reflecting a proportion of media data recorded by the predetermined receiver to which the user was exposed.

Claim 73. (original): The system of claim 64, wherein the second data corresponds to at least a portion of the first data.

Claim 74. (original): The system of claim 73, wherein the processor is operative to compare the first data to the second data.

Claim 75. (original): The system of claim 64, wherein the first data comprises first media data reception data comprising an indication of at least one of a station, a channel, and a program received by the predetermined receiver, wherein the second data comprises second media data reception data comprising an indication of at least one of a station, a channel, and a program to which the user was exposed, and wherein the processor is operative to compare the first media data reception data to the second media data reception data.

Claim 76. (original): The system of claim 64, further comprising a clock coupled to the stationary monitoring system for gathering time of detection data corresponding to a time at which the first data was gathered.

Claim 77. (original): The system of claim 76, wherein the processor is operative to determine an operational status of the predetermined receiver, based on the time of detection data.

Claim 78. (original): The system of claim 76, wherein the stationary monitoring system is operative to determine an operational status of the predetermined receiver, based on the time of detection data.

Claim 79. (original): The system of claim 76, wherein the first data comprises a time code, and wherein the processor is operative to compare the time code with the time of detection data to produce data indicating whether the reproduced media data had been recorded prior to the time at which the first data was gathered.

Claim 80. (original): The system of claim 64, further comprising a clock coupled to the portable monitor for gathering time of detection data corresponding to a time at which the second data was gathered.

Claim 81. (original): The system of claim 80, wherein at least one of the portable monitor and the processor is operative to determine an operational status of the predetermined receiver, based on the time of detection data.

Claim 82. (original): The system of claim 80, wherein the first data comprises a time code, and wherein at least one of the portable monitor and the processor is operative to compare the time code with the time of detection data to produce data indicating whether the reproduced media data had been recorded prior to receipt thereof by the portable monitor.

Claim 83. (currently amended): The system of claim 64, wherein the predetermined receiver comprises a media data recording device.

Claim 84. (original): The system of claim 64, wherein the first data comprises a time code gathered from the media data.

Claim 85. (original): The system of claim 84, wherein the processor is operative to determine an operational status of the predetermined receiver, based on the time code.

Claim 86. (original): The system of claim 74, wherein the stationary monitoring system is operative to determine an operational status of the predetermined receiver based on the time code, and wherein the first data comprises data corresponding to the operational status of the predetermined receiver.

Claim 87. (original): The system of claim 64, wherein the portable monitor is operative to detect a time code in the media data, and wherein one of the portable monitor and the processor is operative to determine an operational status of the predetermined receiver.

Deleted: wherein the stationary monitoring system is operative to gather first time data corresponding to at least one of a time of reception of the media data by the predetermined receiver and a time of recording thereof by the media data recording device, wherein the portable monitor is operative to gather second time data corresponding to a time of reproduction of the media data recorded by the media data recording device, and wherein the processor is operative to compare the first time data and the second time data to produce data indicating that the media data recording device recorded the media data prior to reproduction of the media data

Claim 88. (original): The system of claim 64, wherein the stationary monitoring system is operative to resolve the first data within a first time interval, wherein the portable monitor is operative to resolve the second data within a second time interval, and wherein the first time interval is shorter than the second time interval.

Claim 89. (original): The system of claim 88, further comprising an ancillary code encoded in audio media data, wherein the portable monitor is operative to receive the audio media data as acoustic energy, and gather the second data based on the ancillary code.

Claim 90. (original): The system of claim 89, further comprising an ancillary code encoded in audio media data received by the predetermined receiver, wherein the stationary monitoring system is operative to receive the audio media data, and gather the first data based on the ancillary code.

Claim 91. (original): The system of claim 88, wherein at least one of the stationary monitoring system and the processor is operative to compare the first data and the second data to detect correspondence there between, and based on a detected correspondence thereof, produce third data representing the usage of media data as reflected by the second data and resolved within a third time interval shorter than the second time interval.

Claim 92. (original): The system of claim 88, wherein the first data and the second data comprise an indication of at least one of a station, a channel, and a program to which the user is exposed.

Claim 93. (original): The system of claim 64, wherein the processor is operative to gather user identification data uniquely identifying the user.

Claim 94. (original): The system of claim 93, wherein the processor is operative to associate the audience measurement data with the user identification data, thereby producing user-specific audience measurement data.

Claim 95. (currently amended): The system of claim 64, wherein the stationary monitoring system is operative to detect the first ancillary code and the portable monitoring device is operative to detect the second ancillary code.

Deleted: the media data comprises a first ancillary code and a second ancillary code, and wherein

Claim 96. (original): The system of claim 95, wherein the stationary monitoring system comprises:
an audio receiver for receiving an audio portion of the media data; and
a detector coupled to the audio receiver for detecting the first ancillary code in the audio portion of the media data.

Claim 97. (original): The system of claim 96, wherein the audio receiver is physically coupled to the predetermined receiver.

Claim 98. (original): The system of claim 95, wherein the portable monitor comprises: an audio receiver for receiving an audio portion of the media data; and a detector coupled to the audio receiver for detecting the second ancillary code in the audio portion of the media data.

Claim 99. (original): The system of claim 98, wherein the audio receiver comprises a microphone or other transducer.

Claim 100. (original): The system of claim 95, wherein the first and second ancillary codes comprise the same code.

Claim 101. (original): The system of claim 95, wherein the first and second ancillary codes comprise different codes.

Claim 102. (original): The system of claim 101, wherein the first ancillary code is encoded in one of a video portion of the media data and a data packet of digital media data, and the second ancillary code is encoded in audio media data.

Claim 103. (original): The system of claim 64, wherein the stationary monitoring system is operative to gather the first data from a data packet broadcast in a digital broadcast channel received by the predetermined receiver, wherein the first data comprises an indication of at least one of a station, a channel, and a program received by the predetermined receiver.

Claim 104. (original): The system of claim 64, wherein the media data comprises an ancillary code encoded in an audio portion of the media data, and the portable monitor comprises a microphone or other transducer for receiving the audio portion.

Claim 105. (original): The system of claim 104, wherein the processor is operative to produce an indication that the audio portion of the media data received by the predetermined receiver has not been reproduced, based on the first data and the second data.

Claim 106. (original): The system of claim 105, wherein the processor is operative to produce the indication based on the absence in the second data of an indication of at least one of a station, a channel, and a program to which the user was exposed.

Claim 107. (original): The system of claim 104, wherein the processor is operative to produce an indication that the user left a vicinity of the predetermined receiver, based on the first data and the second data.

Claim 108. (original): The system of claim 107, wherein the second data comprises detection error data produced by the portable monitor.

Claim 109. (original): The system of claim 64, wherein the processor is operative to communicate the audience measurement data to a remote location.

Claim 110. (original): The system of claim 64, wherein the processor is located remotely from the stationary monitoring system and the portable monitoring device.

Claims 111-130. (canceled).

Claim 131. (previously presented): The method of claim 14, comprising communicating the first data and the second data to a processor, wherein the processor produces the audience measurement data from the first data and the second data.

Claim 132. (previously presented): The method of claim 131, wherein the processor compares the first data and the second data to produce the audience measurement data.

Claim 133. (previously presented): The method of claim 132, wherein the processor produces match data by comparing the first data to the second data and produces the audience measurement data based on the match data.

Claim 134. (previously presented): The method of claim 132, wherein the first data and the second data are based on ancillary codes associated with the media data.

Claim 135. (previously presented): The method of claim 132, wherein the first data and the second data comprise signatures extracted from the media data.

Claim 136. (previously presented): The method of claim 137, wherein the first data and the second data comprise time data and/or time code data.

Claim 137. (previously presented): The method of claim 14, wherein the second data comprises user identification data.

Claim 138. (previously presented): The method of claim 131, wherein the second data comprises user identification data and the processor associates the user identification data with the audience measurement data.

Claim 139. (previously presented): The method of claim 138, wherein the user identification data uniquely identifies the portable monitor.

Claim 140. (previously presented): The method of claim 137, wherein the user identification data uniquely identifies the user.

Claim 141. (previously presented): The method of claim 131, wherein the monitoring system comprises the processor.

Claim 142. (previously presented): The method of claim 131, wherein the portable monitor comprises the processor.

Claim 143. (previously presented): The system of claim 64, wherein the monitoring system comprises the processor.

Claim 144. (previously presented): The system of claim 64, wherein the portable monitor comprises the processor.

Claim 145. (previously presented): The system of claim 64, wherein the monitoring system comprises a stationary monitoring system.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany

the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liang-che Alex Wang whose telephone number is (571)272-3992. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.
8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)..

Liang-che Alex Wang
September 10, 2008

/Liangche A. Wang/
Primary Examiner, Art Unit 2153

